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Attorneys for Plaintiff, MARIA LAZOS as an individual, and *THE ESTATE OF THOMAS BARRERA, By and Through its Successor in Interest, MARIA LAZOS*

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARIA LAZOS, *THE ESTATE OF THOMAS BARRERA, By and Through its Successor in Interest, MARIA LAZOS*

Plaintiff,

vs.

CITY OF OXNARD; OXNARD POLICE DEPARTMENT; POLICE CHIEF JOHN CROMBACH; ANDREW SALINA, and DOES 1-10

Defendants.

AND CONSOLIDATED ACTION

Case No. CV08-02987-RGK (SHx)
(consolidated w/ CV 08-05153 RGK)

PLAINTIFFS MOTION IN LIMINE NO. 9 TO EXCLUDE ANY EVIDENCE PERTAINING TO THE 6" FIXED BLADE KNIFE, PIECE OF METAL (POSS KNIFE BLADE); METAL CHISEL; ALLEN WRENCH TOOL SET; THE FOLDING KNIFE, THE SYRINGE FOUND IN DECEDENT'S POCKET AND THE SWABS FROM THE BMX BIKE

DATE: August 11, 2009
TIME:
DEPT: "850"

Plaintiffs, MARIA LAZOS, TOMAS BARRERA and *THE ESTATE OF THOMAS BARRERA BY AND THROUGH ITS SUCCESSORS IN INTEREST MARIA LAZOS and TOMAS BARRERA* do hereby submit their Motion in Limine seeking an Order Excluding any and/or all Evidence wherein the Defendants either discarded and/or consumed all forensic biological evidence pertaining to and/or constituting said evidence, including but not limited

- 1 1. 6" Fixed Blade Knife w/ Broken Tip and all DNA Swabs of the knife handle;
- 2 2. Folding Knife , and Swab of Portion of Red Stain on Blade and Swab of Handle;
- 3 3. DNA Sample /Control and Blank Swabs From Truck, including Swabs from interior
- 4 drivers side door lever, samples and controls, swabs from steering wheel, glove box,
- 5 interior passenger side door handle/lever, interior drivers side door handle/pull,
- 6 gearshift lever/knob, interior passenger side door pull, from exterior, and from
- 7 ignition switch including swabs and control samples;
- 8 4. Piece of Metal (possible Tip of Knife)
- 9 5. One metal part (possible knife blade);
- 10 6. The Syringe found in Decedents Pocket;
- 11 7. Swab from red metal chisel;
- 12 8. Swab from possible knife blade; and dna swab collected from misc metal parts;
- 13 9. Allen Wrench Tool set;
- 14 10. Pittsburgh Multi Allen Wrench Tool Set and swab of multi-tool; and
- 15 11. All other evidence where in the biological and/or forensic evidence was either
- 16 consumed and/or discarded.

17 Plaintiffs are seeking exclusion of these items of evidence, and all other items of
18 evidence wherein Defendants consumed, discarded, failed to notify Plaintiffs' counsel or
19 their experts that tests were being done, and/or wherein Defendants did intentionally,
20 wantonly and/or negligently fail to preserve said items of evidence. Plaintiffs further seek
21 an Order excluding Defendants from referencing and or discussing any of these items and/or
22 any issues pertaining and/or reflecting these items of evidence.

23 Counsel for Thomas Barrera, Daniel C. Morgan, Esq, wrote to the Custodian of
24 Records for the Oxnard Police Department on November 12, 2007, asking defendants to
25 preserve all evidence. Counsel for Plaintiff Maria Lazos, Jenny Scovis, Esq., wrote to each
26 Defendant separately on January 07, 2009, wherein defendants were specifically asked to
27 notify Scovis of any testing that Defendants intended on performing on all biological and
28 forensic evidence, so that Scovis' expert may attend such testing. Defendants were further

1 asked to preserve each and every item of evidence, including DNA and biological evidence.

2 Defendants tested the evidence on November 28, 2007, March 05, 2008; and
3 February 19, 2008. By even the earliest of these dates, Defendants had notice from **both**
4 plaintiffs that a claim had been filed, and that the evidence needed to be preserved. Counsel
5 for Thomas Barrera had written to defendants requesting preservation of evidence on the
6 initial date of testing, and Maria Lazos had already filed a Claim Against Public Entity. By
7 the next date of testing, Defendants had been contacted via correspondence by **both** counsel
8 for Plaintiffs, and had actual knowledge of the need to preserve/conserv said evidence.

9 As stated in fuller detail in the County of Ventura Sheriff's Department Forensic
10 Sciences Laboratory Reports, all of which are attached and incorporated herein, Defendants
11 consumed the majority of DNA and biological evidence, or discarded almost the entirety of
12 the remainder of said evidence. Neither plaintiff was advised in advance or during said
13 testing that any procedures were going to be performed and that said DNA/biological
14 evidence would be discarded if not consumed.

15 Spoliation of evidence is the destruction or alteration of evidence. Although a party
16 need not have acted in "bad faith" to be held responsible for spoliation of evidence [see
17 *Glover v. BIC Corp.* (9th Cir 1993) 6 F3d 1318, 1329], a party must have had notice that
18 documents were relevant or potentially relevant to litigation before the documents were
19 destroyed for spoliation of evidence to have occurred [*United States ex rel. Aflatooni v.*
20 *Kitsap Physicians Serv.* (9th Cir 2002) 314 F3d 995, 1001; *Akiona v. United States* (9th Cir
21 1991) 938 F2d 158, 161].

22 While a litigant is under no duty to keep or retain every document in its possession
23 once a complaint is filed, it is under a duty to preserve what it knows, or reasonably should
24 know, is relevant in the action, is reasonably calculated to lead to the discovery of admissible
25 evidence, is reasonably likely to be requested during discovery, and/or is the subject of a
26 pending discovery request [*National Ass'n of Radiation Survivors v. Turnage* (ND Cal 1987)
27 115 FRD 543, 556–557, citing *Wm. T. Thompson Co. v. General Nutrition Corp.* (CD Cal
28 1984) 593 F Supp 1443; see also *Zubulake v. UBS Warburg LLC* (SDNY 2003) 220 FRD

1 212, 216].

2 A range of sanctions is available for spoliation of evidence under the court's inherent powers
 3 [see, e.g., *Unigard Sec. Ins. Co. v. Lakewood Eng'g & Mfg. Corp.* (9th Cir 1992) 982 F2d
 4 363, 368. Courts are invested with inherent powers that are governed not by rule or statute,
 5 but by the control necessarily vested in courts to manage their own affairs so as to achieve
 6 the orderly and expeditious disposition of cases [*Chambers v. NASCO, Inc.* (1991) 501 US
 7 32, 43–49, 111 S Ct 2123, 115 L Ed2d 27].

8 The following types of sanctions are examples of those imposed under this authority:

- 9 • Exclusion of evidence [see, e.g., *Unigard Sec. Ins. Co. v. Lakewood Eng'g & Mfg. Corp.*
 10 (9th Cir 1992) 982 F2d 363, 368].
- 11 • Dismissal [see, e.g., ; *Leon v. IDX Sys. Corp.* (9th Cir 2006) 464 F3d 951, 958 *Halaco*
 12 *Eng'g Co. v. Costle* (9th Cir 1988) 843 F2d 376, 380].
- 13 • An award of attorney's fees against a party or counsel who has acted in bad faith,
 14 vexatiously, wantonly, or for oppressive reasons [*Leon v. IDX Sys. Corp.* (9th Cir 2006) 464
 15 F3d 951, 961].

16 In cases in which the drastic sanctions of dismissal or default are ordered, the range of
 17 discretion for a district court is narrowed, and the losing party's noncompliance must be due
 18 to willfulness, fault, or bad faith [*Leon v. IDX Sys. Corp.* (9th Cir 2006) 464 F3d 951, 958].
 19 A finding of any of these circumstances may justify the sanction of dismissal [*Halaco Eng'g*
 20 *Co. v. Costle* (9th Cir 1988) 843 F2d 376, 381].

21 The existence and degree of prejudice to the wronged party is a factor in the
 22 determination of whether to impose a severe sanction such as dismissal [*Leon v. IDX Sys.*
 23 *Corp.* (9 Cir 2006) 464 F3d 951, 958]. In some published cases, the Ninth Circuit has
 24 referred to this factor as optional [see, e.g., *Halaco Eng'g Co. v. Costle* (9th Cir 1988) 843
 25 F2d 376, 382].

26 25.97[2][e] Imposition of Severe Sanctions Requires Consideration of Public Interest and
 27 Policy.

28 Before imposing a harsh sanction such as dismissal, the district court must consider the

1 public interest in expeditious resolution of litigation, the court's own need to manage its
 2 dockets, and the public policy favoring disposition of cases on the merits [Leon v. IDX Sys.
 3 Corp. (9th Cir 2006) 464 F3d 951, 958].

4 25.97[3] Sanction Must Be Commensurate With Degree to Which Evidence Was
 5 Compromised or Destroyed.

6 In the Ninth Circuit, the particular sanction levied under the court's inherent power depends
 7 on [see, e.g., Unigard Sec. Ins. Co. v. Lakewood Eng'g & Mfg. Corp. (9th Cir 1992) 982 F2d
 8 363, 369]:

- 9 • The degree to which the evidence was altered, lost, or destroyed.
- 10 • The degree of the responsible party's culpability.
- 11 • Surrounding circumstances such as the parties' previous ability to view or test that
 12 evidence prior to its spoliation.

13 When the plaintiff insurer destroyed an electric heater and a boat prior to filing an
 14 action against the heater manufacturer for subrogation based on the allegation that the heater
 15 cause a fire in the boat, the proper sanction was exclusion of evidence regarding the alleged
 16 defect in the heater [see Unigard Sec. Ins. Co. v. Lakewood Eng'g & Mfg. Corp. (9th Cir
 17 1992) 982 F2d 363, 369].

18 When appropriate, a party that destroyed potential evidence should show that he or
 19 she did not do so in response to the litigation, perhaps by indicating that the evidence was
 20 destroyed prior to litigation and before the party could have any reasonable indication that
 21 litigation would be brought relative to that evidence [see, e.g., Akiona v. United States (9th
 22 Cir 1991) 938 F2d 158, 161, cert. denied, 503 US 962 (1992)].

23 A party should only be penalized for destroying documents if it was wrong to do so,
 24 and that requires, at a minimum, some notice that the documents are potentially relevant
 25 [Akiona v. United States (9th Cir 1991) 938 F2d 158, 161, cert. denied, 503 US 962 (1992)].

26 A party should only be penalized for destroying documents if it was wrong to do so, and that
 27 requires, at a minimum, some notice that the documents are potentially relevant [Akiona v.
 28 United States (9th Cir 1991) 938 F2d 158, 161, cert. denied, 503 US 962 (1992)].

1 In the case at bar, there was an officer involved shooting resulting in the death of a
2 young individual. By the time of the initial testing, all defendants had both actual and/or
3 constructive knowledge that any and/or all DNA evidence must be preserved. Said evidence
4 was clearly relevant and pertinent to any pending or upcoming litigation. Officer Salinas and
5 all entity defendants have utilized a self-defense claim *ab initio*. Testing on the knife that
6 allegedly belonged to the deceased, the tool allegedly thrown at the Officer by the Deceased,
7 and all other evidence referenced above is essential for **all** parties, not just defendants.

8 As argued in Plaintiffs' Motion to Exclude any Evidence pertaining to the Truck,
9 defendants have an unfair advantage over Plaintiffs by the very nature of their existence.
10 Due to their status as law enforcement and public entities, defendants could and **did** use
11 their authority to procure evidence and/or witnesses equally necessary to all parties, and to
12 discard, consume, and otherwise keep Plaintiffs from equal access to said evidence and/or
13 witnesses. To level the playing field, the Court should impose a greater standard upon any
14 party who could abuse their position of power.

15 In a sense, defendants are guilty of the very abuses that plaintiffs have charged them
16 with. Plaintiffs case is premised upon the abuse of Defendants' position, authority and
17 power, which resulted in the wrongful and illegal killing of a young adult without just cause
18 or reason. Defendants **knew** and were given **actual notice** of the need to preserve the
19 evidence in this action. They wilfully disobeyed the duty imposed on **all parties** to play
20 fairly and to have a trial **on the merits** with equal access to all involved.

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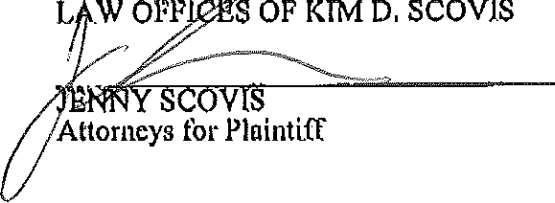
27 ///

28 ///

1 It is for this reason that Plaintiff's respectfully request that the Court order the
2 exclusion of any evidence listed herein, and exclude any reference to any such evidence.

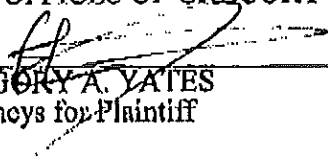
3 DATED: June 26, 2009

LAW OFFICES OF KIM D. SCOVIS

4 
JENNY SCOVIS
Attorneys for Plaintiff

6
7 DATED: June 26, 2009

LAW OFFICES OF GREGORY A. YATES

8 
GREGORY A. YATES
Attorneys for Plaintiff

Exhibit

“1”



07-0025163

PROPERTY REPORT

File No.: 07-0025163
Cont No.: 07-025163
Charges: Officer Involved Shooting
Investigator: 2493 Det Joe Chase
Date In: 10/03/2007
Concluded:

01/31/2008
Page: 1

Item	Item Description	Current Location	Date/Loc Siezed	Member
00001	Photos of Andrew Salinas taken after incident	Photo	10/03/2007 oxnard police station	4642 Officer Eric Mora
00002	digital photographs of crime scene	Photo	10/03/2007 fifth st/hobson way	5181 Officer Roger Garcia
00003	6 inch Knife (fixed blade) with broken tip Photo Marker #1 Collected from roadway near suspect's body- BIN #2	LAB	10/03/2007 Crime Scene	4935 CSI Debra Schambra
00004	'WIN' 9mm Luger Cartridge Case Photo Marker #2 Collected from roadway near suspect's body- BIN #2	187-2	10/03/2007 Crime Scene	4935 CSI Debra Schambra
00005	'WIN' 9mm Luger Cartridge Case Photo Marker #3 BIN #2	187-2	10/03/2007 Crime Scene	4935 CSI Debra Schambra
00006	'WIN' 9mm Luger Cartridge Case Photo Marker #4 Collected from roadway near suspect's body- BIN #2	187-2	10/03/2007 Crime Scene	4935 CSI Debra Schambra
00007	'WIN' 9mm Luger Cartridge Case Photo Marker #5 Collected from roadway near suspect's body- BIN #2	187-2	10/03/2007 Crime Scene	4935 CSI Debra Schambra
00008	'Pittsburgh' multi tool Allen Wrench Photo Marker #6 Collected from roadway near victim's body- BIN #2	LAB	10/03/2007 Crime Scene	4935 CSI Debra Schambra
00009	'Verizon' Cell Phone - S/N F0714022340 Photo Marker #7 Collected from sidewalk south of victim's body- BIN#2	187-2	10/03/2007 Crime Scene	4935 CSI Debra Schambra
00010	Blood and Control Sample Photo Marker #8 Collected from sidewalk south of suspect's body	Freezer	10/03/2007 Crime Scene	4935 CSI Debra Schambra
00011	115 Digital Photographs Tag#182665	Photo	10/03/2007 Crime Scene	4935 CSI Debra Schambra

00542

Item	Item Description	Current Location	Date/Loc Seized	Member
J12	'Beretta' 9mm Handgun S/N - BER262601 Collected from Officer Andrew Salinal	GUNBOX07	10/03/2007 Police Station 251 South C Street	4935 CSI Debra Schambra
00013	Magazine containing 15 rounds (from duty belt closest to buckle) Collected from Officer Andrew Salinas- BIN #2	187-2	10/03/2007 Police Station 251 South C Street	4935 CSI Debra Schambra
00014	Magazine containing 15 rounds (from duty belt next to radio) Collected from Officer Andrew Salinas- BIN #2	187-2	10/03/2007 Police Station 251 South C Street	4935 CSI Debra Schambra
00015	Magazine containing 11 rounds (from Beretta 9mm Handgun) Collected from Officer Andrew Salinas' duty weapon	187-3	10/03/2007 Police Station 251 South C Street	4935 CSI Debra Schambra
00016	1 'WIN' 9mm Luger Bullet (from chamber of Baretta 9mm Handgun) Collected from Officer Andrew Salinas' duty weapon- BIN #2	187-2	10/03/2007 Police Station 251 South C Street	4935 CSI Debra Schambra
00017	'Olympus' Digital Recorder Collected from Officer Andrew Salinas- BIN #2	187-3	10/03/2007 Police Station 251 South C Street	4935 CSI Debra Schambra
00018	'Flying Cross' Uniform Shirt worn by Salinas Collected from Officer Andrew Salinas	LAB	10/03/2007 Police Station 251 South C Street	4935 CSI Debra Schambra
00019	'Elbeco' Uniform Pants worn by Salinas Collected from Officer Andrew Salinas	LAB	10/03/2007 Police Station 251 South C Street	4935 CSI Debra Schambra
00020	'Magnum' Boots - Size 8 - worn by Salinas Collected from Officer Andrew Salinas	187-2	10/03/2007 Police Station 251 South C Street	4935 CSI Debra Schambra
00021	Bent metal coat hanger Photo Marker #10 Found lying in street at intersection of Fifth Street and G Street- BIN#2	187-2	10/03/2007 Crime Scene	4935 CSI Debra Schambra
00022	Misc. Metal Parts Collected from driver's floorboard of White Chevy Silverado, lic# 8H10852- BIN#2	187-2	10/03/2007 Crime Scene	4935 CSI Debra Schambra
00023	Red Metal Chisel Collected from front bench seat of white Chevy Silverado, lic.# 8H10852- BIN #2	187-2	10/03/2007 Crime Scene	4935 CSI Debra Schambra

m	Item Description	Current Location	Date/Loc Siezed	Member
J24	Folding Knife with blood Collected from front bench seat of white Chevy Silverado Pick-Up Truck, lic.#8H10852-	187	10/03/2007 Crime Scene	4935 CSI Debra Schambra
00025	"BMX" Rampage Bike - S/N CS070512223 Collected from sidewalk near white Chevy Silverado	WAREHOUSE	10/03/2007 Crime Scene	4935 CSI Debra Schambra
00026	5 Swabs from "BMX" Bike Collected from grips and tape around flashlights	187	10/03/2007 Crime Scene	4935 CSI Debra Schambra
00027	111 Digital Photographs from crime scene Tag# 177145 Downloaded onto the Oxnard Police Department Digital Database	Photo	10/03/2007 Crime Scene	4935 CSI Debra Schambra
00028	1 Pair of "Converse" Tennis Shoes with white socks Collected from suspect's body at autopsy	187-3	10/03/2007 Ventura County Coroner's Office - Suspect's Autopsy	4935 CSI Debra Schambra
00029	1 Pair "Anchor Blue" Jeans Collected from suspect's body at autopsy	LAB	10/03/2007 Ventura County Coroner's Office - Suspect's Autopsy	4935 CSI Debra Schambra
00030	1 Black and Brown Belt with key chain and empty knife sheath Collected from suspect's body at autopsy	187-3	10/03/2007 Ventura County Coroner's Office - Suspect's Autopsy	4935 CSI Debra Schambra
00031	Metal Spoon, Blue Ball Point Pen, 5 Sockets Collected from suspect's right rear pants pocket- BIN#2	187-2	10/03/2007 Ventura County Coroner's Office - Suspect's Autopsy	4935 CSI Debra Schambra
00032	Seringe with bent needle Collected from right rear pocket of suspect's pants- BIN #2	187-2	10/03/2007 Ventura County Coroner's Office - Suspect's Autopsy	4935 CSI Debra Schambra
00033	\$10.00 U.S. Currency - 1 five dollar bill and 5 one dollar bills Collected from left rear pocket of suspect's pants	BIG SAFE	10/03/2007 Ventura County Coroner's Office - Suspect's Autopsy	4935 CSI Debra Schambra
00034	Blue 'Bic' Lighter, Multi-Tool Allen Wrench Collected from right front pocket of suspect's pants- BIN#2	Dets	10/03/2007 Ventura County Coroner's Office - Suspect's Autopsy	4935 CSI Debra Schambra

Item	Item Description	Current Location	Date/Loc Seized	Member
00035	1 Pair of black and white "Fruit of the Loom" Boxer Shorts Collected from suspect's body at autopsy	187-3	10/03/2007 Ventura County Coroner's Office - Suspect's Autopsy	4935 CSI Debra Schambra
00036	1 black blood stained t-shirt Collected from suspect's body at autopsy	Dets	10/03/2007 Ventura County Coroner's Office - Suspect's Autopsy	4935 CSI Debra Schambra
00037	1 white blood stained "South Pole" t-shirt Collected from suspect's body at autopsy	Dets	10/03/2007 Ventura County Coroner's Office - Suspect's Autopsy	4935 CSI Debra Schambra
00038	1 white "Nauticia" blood stained tank top Collected from suspect's body at autopsy	Dets	10/03/2007 Ventura County Coroner's Office - Suspect's Autopsy	4935 CSI Debra Schambra
00039	1 Brown Paper Bag from suspect's right hand Collected at suspect's autopsy	Dets	10/03/2007 Ventura County Coroner's Office - Suspect's Autopsy	4935 CSI Debra Schambra
00040	1 Brown Paper Bag from suspect's left hand Collected at suspect's autopsy	Dets	10/03/2007 Ventura County Coroner's Office - Suspect's Autopsy	4935 CSI Debra Schambra
00041	1 Pair of "Peerless" Handcuffs with the name Salinas on them Collected from suspect's left wrist at autopsy- BIN#2	187-2	10/03/2007 Ventura County Coroner's Office - Suspect's Autopsy	4935 CSI Debra Schambra
00042	1 Gunshot Residue Kit Collected from suspect's hands at autopsy- BIN#2	187-2	10/03/2007 Ventura County Coroner's Office - Suspect's Autopsy	4935 CSI Debra Schambra
00043	1 Spent Bullet from gunshot wound #1 Collected from suspect's upper back- BIN #2	187-2	10/03/2007 Ventura County Coroner's Office - Suspect's Autopsy	4935 CSI Debra Schambra
00044	1 Spent Bullet from gunshot wound #2 Collected from suspect's lower back at autopsy-BIN #2	187-2	10/03/2007 Ventura County Coroner's Office - Suspect's Autopsy	4935 CSI Debra Schambra

Item	Item Description	Current Location	Date/Loc Seized	Member
00045	Rolled Fingerprints Collected from suspect at autopsy	B.I.	10/03/2007 Ventura County Coroner's Office - Suspect's Autopsy	4935 CSI Debra Schambra
00046	DNA Sample from suspect Collected from suspect at autopsy	187	10/03/2007 Ventura County Coroner's Office - Suspect's Autopsy	4935 CSI Debra Schambra
00047	Rolled Fingerprints of Suspect Rolled by Shasta Gainer at Crime Scene	B.I.	10/03/2007 Ventura County Coroner's Office - Suspect's Autopsy	4935 CSI Debra Schambra
00048	164 Digital Photographs Tag# 177:145 Downloaded onto the Oxnard Police Department Digital Database under this DR Number	Photo	10/03/2007 Ventura County Coroner's Office - Suspect's Autopsy	4935 CSI Debra Schambra
00049	Blood Stained White Sheet From Suspect's Body Bag	187	10/03/2007 Ventura County Coroner's Office - Suspect's Autopsy	4935 CSI Debra Schambra
00050	LICENSE PLATES OF VEHICLES IN CRIME SCENE	Photo	10/03/2007 SCENE	4546 Officer Michael Robison
00051	Photos of witnesses standing in front of 837 W. Fifth St	Photo	10/03/2007 837 W Fifth St	4671 Det Curtis Smith
00052	PHOTOS OF GRAFFITI FROM MEMORIAL	Photo	10/07/2007 FIFTH@ HOBSON	5223 Officer Pedro Rodriguez
00053	21 DNA SAMPLE/CONTROL AND BLANK SWABS FROM TRUCK COLLECTED FROM WHITE CHEVY SILVERADO TRUCK CA. LIC #8H10852	187	10/09/2007 BI PROCESSING GARAGE	5201 CSI Bill Johnson
00054	PIECE OF METAL (POSSIBLE TIP OF KNIFE) COLLECTED FROM DRIVER'S SIDE FLOORBOARD OF WHITE CHEVY SILVERADO TRUCK CA. LIC #8H108	LAB	10/09/2007 BI. PROCESSING GARAGE	5201 CSI Bill Johnson
00055	38 DIGITAL PHOTOS TAG #177:147 THE PHOTOGRAPHS WERE DOWNLOADED ONTO THE OXNARD POLICE DEPARTMENT DIGITAL DATABASE	Photo	10/09/2007 BI. PROCESSING GARAGE	5201 CSI Bill Johnson

m	Item Description	Current Location	Date/Loc Siezed	Member
.J56	1 METAL PART (POSS KNIFE BLADE) REMOVED FROM ITEM #22	LAB	10/09/2007 B.I. PROCESSING ROOM	5201 CSI Bill Johnson
00057	1 DNA SWAB FROM ITEM #56 COLLECTED FROM ITEM #56	187	10/09/2007 B.I. PROCESSING ROOM	5201 CSI Bill Johnson
00058	DNA / BLANK SWAB FROM RED METAL CHISEL COLLECTED FROM ITEM #23	187	10/09/2007 B.I. PROCESSING ROOM	5201 CSI Bill Johnson
00059	DNA SWAB COLLECTED FROM MISC METAL PARTS COLLECTED FROM ITEM #22	187	10/09/2007 B.I. PROCESSING ROOM	5201 CSI Bill Johnson
00060	BUCCAL SWABS REFERENCE SWABS TAKEN FROM LUIS SIMENTAL R/O OF CHEVY SIVERADO	187	10/10/2007 OXNARD PD	4804 Det Luis Mancha
00061	Interior and Exterior photos of the windows at 500 Hobson Wy #1 Downloaded into the Homicide and Property Drives as 0725163 500 Hobson 1 12-27-07 CS	Photo	12/27/2007 500 Hobson Way #1	4671 Det Curtis Smith

Exhibit

“2”

**COUNTY OF VENTURA
SHERIFF'S DEPARTMENT**800 S. VICTORIA AVENUE VENTURA, CA 93009 (805) 654-2370
FORENSIC SCIENCES LABORATORY REPORT

LAB CASE NUMBER L07-6430 <i>JBW</i>
REPORT NUMBER 1

SUBJECT(S): VICTIM: SALINAS, ANDREW SUSPECT: BARRERA, THOMAS	
AGENCY: OXNARD POLICE DEPARTMENT Detective Chase	
AGENCY CASE NUMBER: 07-25163	OFFENSE(S): 245 P.C.

FORENSIC BIOLOGY SECTION**EVIDENCE**

Item 4 (Tag #07-002516300003): 6" FIXED BLADE KNIFE W/BROKEN TIP

Item 4A: Swab of knife handle

Item 4B: Swab of knife blade

Item 6 (Tag #07-002516300024): FOLDING KNIFE

Item 6A: Swab of portion of red brown stain on blade

Item 6B: Swab of handle

Item 7 (Tag# 07-002516300026): SWABS FROM "BMX" BIKE

Item 7A: Swabs from Mondel bar grips

Item 7A1: Sample

Item 7A2: Blank (not examined)

Item 7B: Swab from tape on bike seat

Item 7C: Swab from tape on flashlight on bike stem

Item 8 (Tag #07-002516300046): Reference sample from Thomas Barrera

Item 9 (Tag #07-002516300053) - (21) DNA SAMPLE/CONTROL & BLANK SWABS FROM TRUCK

Item 9A: Swabs from interior drivers side door lever

Item 9A1: Sample

Item 9A2: Control (not examined)

Item 9B: Swabs from steering wheel

Item 9B1: Sample

Item 9B2: Control (not examined)

Item 9C: Swabs from glove box (not examined)

Item 9D: Swabs from interior passenger side door handle/lever

Item 9D1: Sample

Item 9D2: Control (not examined)

Item 9E: Swabs from interior drivers side door handle/pull

Item 9E1: Sample

Item 9E2: Control (not examined)

Item 9F: Swabs from gearshift lever/knob

Item 9F1: Sample

Item 9F2: Control (not examined)

Item 9G: Swabs from interior passenger side door pull (not examined)

Item 9H: Swabs from ignition switch (not examined)

REVIEWED BY: TR *[Signature]* AR *[Signature]*

Item 9I: Swabs from exterior (not examined)

Item 9J: Swabs from exterior passenger side door handle (not examined)

Item 10 (Tag #07-002516300054): PIECE OF METAL (POSSIBLE TIP OF KNIFE) (Not analyzed for DNA)

Item 11 (Tag #07-002516300056): ONE METAL PART (POSSIBLE KNIFE BLADE)

Item 11A: Swab of piece of metal

Item 12 (Tag #07-002516300060): Reference sample from Luis Simental

Item 13 (Tag #07-002516300057): SWAB FROM (POSSIBLE KNIFE BLADE)

Item 14 (Tag #07-002516300058): SWABS FROM RED METAL CHISEL

Item 14A: Sample

Item 14B: Blank (not examined)

Item 15 (Tag #07-002516300059): DNA SWAB COLLECTED FROM MISC METAL PARTS

OBJECTIVE / METHODS

To examine items 4, 6, 10, 11 and 14A for the presence of blood.

To determine the STR DNA types from the evidence listed and compare to the STR DNA types from the reference samples from Thomas Barrera and Luis Simental (items 8 and 12).

This process entails extracting DNA from the samples. The extracted DNA was amplified using the polymerase chain reaction (PCR) and a DNA profile was obtained using the AmpF/STR COfiler™ and/or Profiler Plus™ Amplification Kits and the ABI Prism 310 Genetic Analyzer at the following Short Tandem Repeat (STR) loci: D3S1358, vWA, FGA, D8S1179, D21S11, D18S51, D5S818, D13S317, D7S820, D16S539, TH01, TPOX, CSF1PO and the gender marker amelogenin

RESULTS

The presence of blood was not detected on items 4, 10, 11 and 14A.

The presumptive presence of blood was detected on the blade of item 6.

Due to an insufficient amount of DNA, STR typing was not performed on items 7B, 9A1, 9E1, 11A, 13 and 15

The results from the reagent blanks and positive and negative amplification controls were as expected.

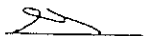

CONCLUSIONS

Thomas Barrera is the source of the DNA from the swab of the knife handle, the portion of the red brown stain on the blade and the swab from the red metal chisel (items 4A, 6A and 14A). This conclusion is based on the assumption that Thomas Barrera does not have an identical twin. The approximate frequency of randomly selected, unrelated individuals that would be included as possible DNA contributors to items 4A, 6A and 14A is 1 in 1.7 quintillion African Americans, 1 in 47 quadrillion Caucasians and 1 in 8.1 quadrillion Hispanics.^{1,2} Luis Simental is excluded as a possible source of this DNA.

The DNA obtained from the swab of the handle (item 6B) is a mixture from at least two individuals. A major DNA contributor profile was determined. Thomas Barrera is included as a possible source of this major contributor DNA. Assuming a single contributor, the approximate frequency of randomly selected, unrelated individuals that would be included as a possible major DNA contributor to item 6B is 1 in 3 trillion African Americans, 1 in 230 billion Caucasians

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00556

and 1 in 110 billion Hispanics.^{1,3} No conclusion regarding the source of the minor alleles detected will be offered due to the limited amount of data available. Luis Simental is excluded as a possible contributor to this DNA mixture.

DNA profiles were not obtained from the swabs from the Mondel bar grips (item 7A1) and the swabs from interior passenger side door handle/lever (item 9D1). Alleles were detected at a few loci for each item but not enough data was collected to determine the sources of these DNA samples.

The DNA obtained from the swabs from the tape on flashlight on the bike stem (item 7C) is a mixture from at least two individuals. A major DNA contributor profile was determined. Thomas Barrera is the major DNA contributor to this sample. This conclusion is based on the assumption that Thomas Barrera does not have an identical twin. The approximate frequency of randomly selected, unrelated individuals that would be included as a possible major DNA contributor to item 7C is 1 in 15 trillion African Americans, 1 in 1.3 trillion Caucasians and 1 in 630 billion Hispanics.^{1,3} No conclusion regarding the source of the minor alleles detected will be offered due to the limited amount of data available. Luis Simental is excluded as a possible contributor to this DNA mixture.

A partial DNA profile was obtained from the swabs from steering wheel (item 9B1). Assuming a single DNA contributor both Thomas Barrera and Luis Simental are excluded as possible sources of this DNA.

A partial DNA profile was obtained from the swabs from gearshift lever/knob (item 9F1). Assuming a single DNA contributor Luis Simental is included as a possible source of this DNA. The approximate frequency of randomly selected, unrelated individuals that would be included as possible DNA contributors to item 9F1 is 1 in 19 thousand African Americans, 1 in 50 thousand Caucasians and 1 in 29 thousand Hispanics.^{1,4} Thomas Barrera is excluded as a possible contributor to this DNA sample.

A partial DNA profile was obtained from the swab of knife blade (item 4B). Assuming a single DNA contributor, Thomas Barrera is included as a possible source of this DNA. The approximate frequency of randomly selected, unrelated individuals that would be included as possible DNA contributors to item 4B is 1 in 13 billion African Americans, 1 in 2 billion Caucasians and 1 in 1.6 billion Hispanics.^{1,5} Luis Simental is excluded as a possible contributor to this DNA sample.

¹ DNA profile frequencies are calculated using population data taken from the Federal Bureau of Investigation's 1999 publication entitled "Population Data on the Thirteen CODIS Core Short Tandem Repeat Loci in African Americans, U.S. Caucasians, Hispanics, Bahamians, Jamaicans and Trinidadians". A theta value of .01 was used in accordance with recommendation 4.1 from the 1996 National Research Council Report.

² Population frequencies were calculated for randomly selected, unrelated individuals using the D3S1358, vWA, FGA, D8S1179, D21S11, D18S51, D5S818, D13S317, D7S820, D16S539, TH01, TPOX and CSF1PO loci.

³ Population frequencies were calculated for randomly selected, unrelated individuals using the D3S1358, vWA, FGA, D8S1179, D21S11, D18S51, D5S818, D13S317 and D7S820 loci.

⁴ Population frequencies were calculated for randomly selected, unrelated individuals using the D3S1358, vWA, D8S1179 and D5S818 loci.

⁵ Population frequencies were calculated for randomly selected, unrelated individuals using the D3S1358, vWA, FGA, D8S1179, D21S11, D18S51, D5S818 and D13S317 loci.

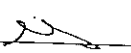
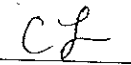
DISPOSITION OF EVIDENCE

Item 4 was returned to the Ventura County Sheriff's Department Property Room. Items 4A and 4B were consumed during analysis. All extracted and amplified DNA was discarded.

Item 6 was returned to the Ventura County Sheriff's Department Property Room. Items 6A and 6B were consumed during analysis. All extracted and amplified DNA was discarded.

Items 7A, 7A1, 7A2, 7B and 7C were returned to their parent item 7. Item 7 was returned to the Ventura County Sheriff's Department Property Room. The extracted DNA from item 7A1 was consumed during analysis and the amplified DNA

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00557

was discarded. Item 7B was consumed during analysis and the extracted DNA was submitted to the Ventura County Sheriff's Department Property Room as item 7B1. Item 7C and the extracted DNA from item 7C were consumed during analysis. The amplified DNA will be stored in the Forensic Biology Amp Room Freezer.

Items 8 and 12 were returned to the Ventura County Sheriff's Department Property Room. All extracted and amplified DNA was discarded

Items 9A, 9A2, 9B, 9B2, 9C, 9D, 9D2, 9E, 9E2, 9F, 9F2, 9G, 9H, 9I and 9J were returned to their parent item 9. Item 9 was returned to the Ventura County Sheriff's Department Property Room. Item 9A1 was consumed during analysis and the extracted DNA from item 9A1 was submitted to the Ventura County Sheriff's Department Property Room as item 9A1A. Item 9B1 and the extracted DNA from item 9B1 were consumed during analysis. The amplified DNA will be stored in the Forensic Biology Amp Room Freezer. Item 9D1 and the extracted DNA from item 9D1 were consumed during analysis. The amplified DNA will be stored in the Forensic Biology Amp Room Freezer. Item 9E1 was consumed during analysis. The extracted DNA was submitted to the Ventura County Sheriff's Department Property Room as item 9E1A. Item 9F1 and the extracted DNA from item 9F1 were consumed during analysis. The amplified DNA will be stored in the Forensic Biology Amp Room Freezer.

Item 10 was returned to the Ventura County Sheriff's Department Property Room.

Item 11 was returned to the Ventura County Sheriff's Department Property Room. Item 11A was consumed during analysis and the extracted DNA was submitted to the Ventura County Sheriff's Department Property Room as item 11A1.

The empty packaging for item 13 was returned to the Ventura County Sheriff's Department Property Room. Item 13 was consumed during analysis and the extracted DNA was submitted to the Ventura County Sheriff's Department Property Room as item 13A.

Items 14 and 14B were returned to the Ventura County Sheriff's Department Property Room. Item 14A was consumed during analysis. The extracted DNA was submitted to the Ventura County Sheriff's Department Property Room as item 14A1.

The empty packaging for item 15 was returned to the Ventura County Sheriff's Department Property Room. Item 15 was consumed during analysis and the extracted DNA was submitted to the Ventura County Sheriff's Department Property Room as item 15A.

Jill Nguyen 11/28/07
Jill Nguyen
Forensic Scientist

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00558

Exhibit

“3”

**COUNTY OF VENTURA
SHERIFF'S DEPARTMENT**800 S. VICTORIA AVENUE VENTURA, CA 93009 (805) 654-2370
FORENSIC SCIENCES LABORATORY REPORT

LAB CASE NUMBER L07-6430
REPORT NUMBER 3 JW

SUBJECT(S): VICTIM: SALINAS, ANDREW SUSPECT: BARRERA, THOMAS	
AGENCY: OXNARD POLICE DEPARTMENT: Detective Chase	
AGENCY CASE NUMBER: 07-25163	OFFENSE(S): 245 P.C.

FORENSIC BIOLOGY SECTION**EVIDENCE**

Item 5 (07-002516300008): Pittsburgh Multi Allen Wrench Tool
Item 5A: Swab of multi-tool

OBJECTIVE / METHODS

To determine the STR DNA types from the swab of the multi-tool (item 5A) and compare these to the previously determined DNA types obtained from the reference sample taken from Thomas Barrera (item 8 see Report Number 1).

This process entails extracting DNA from the samples. The extracted DNA was amplified using the polymerase chain reaction (PCR) and a DNA profile was obtained using the AmpF/STR COfiler™ and Profiler Plus™ Amplification Kits and the ABI Prism 310 Genetic Analyzer at the following Short Tandem Repeat (STR) loci: D3S1358, vWA, FGA, D8S1179, D21S11, D18S51, D5S818, D13S317, D7S820, D16S539, THO1, TPOX, CSF1PO and the gender marker amelogenin.

RESULTS

The results from the reagent blanks and positive and negative amplification controls were as expected

CONCLUSIONS

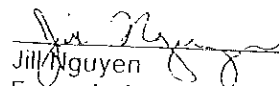
The DNA obtained from the swab of the multi-tool (item 5A) is a mixture from at least four individuals. Thomas Barrera is included as a possible contributor to this mixture. The approximate frequency of randomly selected, unrelated individuals that would be included as possible DNA contributors to this mixture is 1 in 9.0 African Americans, 1 in 6.9 Caucasians and 1 in 7.7 Hispanics.^{1,2}

¹DNA profile frequencies are calculated using population data taken from the Federal Bureau of Investigation's 1999 publication entitled "Population Data on the Thirteen CODIS Core Short Tandem Repeat Loci in African Americans, U.S. Caucasians, Hispanics, Bahamians, Jamaicans and Trinidadians". A theta value of .01 was used in accordance with recommendation 4.1 from the 1996 National Research Council Report.

Population frequencies were calculated for randomly selected, unrelated individuals using the D3S1358, vWA, D8S1179, D21S11, D5S818, D13S317, THO1 and TPOX loci.

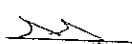
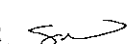
DISPOSITION OF EVIDENCE

Item 5 was returned to Forensic Scientist Kristin Rogahn. Item 5A was consumed during analysis. The remaining extracted DNA was submitted to the Ventura County Sheriff's Department Property Room as item 5A1. All amplified DNA was discarded.

 2/12/08
Jill Nguyen
Forensic Scientist

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Exhibit

“4”

**COUNTY OF VENTURA
SHERIFF'S DEPARTMENT**800 S. VICTORIA AVENUE VENTURA, CA 93009 (805) 654-2370
FORENSIC SCIENCES LABORATORY REPORT

LAB CASE NUMBER L07-6430
REPORT NUMBER 2

SUBJECT(S): VICTIM: SALINAS, ANDREW SUSPECT: BARRERA, THOMAS	
AGENCY: OXNARD POLICE DEPARTMENT - Det. Joe Chase D.A.'s OFFICE - D.D.A. Richard Simon	
AGENCY CASE NUMBER: 07-25163	OFFENSE(S): 245 P.C.

TRACE SECTION**EVIDENCE:**

The following items were received from property:

- item #004 (Agency #3) - FIXED BLADE KNIFE WITH BROKEN TIP
 - item #005 (Agency #8) - PITTSBURGH MULTI ALLEN WRENCH TOOL
 - Lab item #010 (Agency #54) - PIECE OF METAL
 - Lab item #011 (Agency #56) - PIECE OF METAL
 - Lab item #016 (Agency #18) - UNIFORM SHIRT
 - Lab item #017 (Agency #19) - UNIFORM PANTS
 - Lab item #018 (Agency #29) - "ANCHOR BLUE" JEANS WORN BY SUSPECT
 - Lab item #019 (Agency #34) - BLUE "BIC" LIGHTER, MULTI TOOL ALLEN WRENCH
 - Lab item #020 (Agency #36) - BLOOD STAINED BLACK T-SHIRT (not examined)
 - Lab item #021 (Agency #37) - WHITE "SOUTH POLE" BLOOD STAINED T-SHIRT (not examined)
 - Lab item #022 (Agency #38) - WHITE "NAUTICA" BLOOD STAINED TANK TOP (not examined)
 - Lab item #023 (Agency #39) - BROWN PAPER BAG FROM SUSPECT'S RIGHT HAND (not examined)
 - Lab item #024 (Agency #40) - BROWN PAPER BAG FROM SUSPECT'S LEFT HAND (not examined)
- of digital photographs received from OXPD Det. Chase

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APPROVED BY: TR ALG 3-5-08 AR 9-5-08 VE

00559

SUBJECTIVE:

- 1) To examine the allen wrench tool (item #5) for the presence of blue wool fibers.
- 2) To determine if blue wool fibers from the uniform (#16 and #17) were deposited on the allen wrench tool (#5) due to contact between the tool and the uniform.
- 3) Examine the other fibers or trace evidence recovered from the allen wrench tools (#5 and #19), the suspect's pockets (#18), and the uniform's pockets (#17) in order to locate other evidence regarding the original environment of the allen wrench tool (item #5).
- 4) To determine if the metal pieces (#10 and #11) could have originally been part of the knife (#4).

RESULTS:

- 1) Examination of the tool (item #5) located many fibers, most of which were dark in color. Over 60 blue fibers were recovered. Five of these 60 fibers were a dark, purple-blue wool fiber.
- 2) Some of the purple-blue wool fibers recovered from the tool (#5), from the pockets of the uniform pants (#17), and from the pockets of the suspect's jeans (#18) were similar in color and microscopic appearance. In addition, the fibers from these three sources exhibited similar levels of weathering and fraying, characteristic of fibers seen in pocket lint. However, not all of the fibers recovered from the tool (#5) showed excessive fraying. No extensive fraying was seen in standard fibers from the uniform (#16 and #17).
- 3) A red and black polymeric material was located in the pockets of the suspect's jeans (#18), as well as in the trace evidence recovered from both of the allen wrench tools (#5 and #19). The red material from these three items was similar in terms of color, texture, physical characteristics, and chemical composition (the black material was not tested). No red and black polymeric material was seen in the pockets of the uniform pants (#17). In addition, the general appearance of other debris from the allen wrench tools was similar to the debris from the suspect's pockets, and unlike the debris from the pockets of the uniform.
- 4) The metal pieces (#10 and #11) showed similarity in terms of size, edge contour, physical appearance and continuity of random striations with the knife blade (#4).

INTERPRETATIONS:

- 1) Blue wool fibers were located on the allen wrench (item #5). The uniform (#16 and #17) was also made of blue wool.
- 2) No conclusion could be reached regarding whether the blue wool fibers from the allen wrench (#5) were deposited as a result of direct contact with the uniform. The blue wool fibers on the allen wrench could share a common source with the fibers from the uniform (#16 and #17), with the fibers from the pockets of the uniform (#17), with the fibers from the suspect's pockets (#18), or with any other source of similar blue wool fibers.

3) Based on the trace evidence located in the suspect's pockets, there is very strong support that the allen wrench (item #5) came from the suspect's pocket, and not the pocket of the uniform (#17).

4) Items #10, #11, and #4 were all one knife.

COMMENTS:

Analyses and comparisons were conducted using visual, microscopic, spectroscopic, and infrared techniques.

Kristin Rogahn 3 5 08
KRISTIN ROGAHN
FORENSIC SCIENTIST

Exhibit

“5”

REQUEST FOR ANALYSIS

Offender/Suspect (Last, First) DOB	Victim/Reporting Person (Last, First)	Offense
CARRERA, THOMAS S	EXP SILVERA, ANDREW	242000
Investigating Agency	Investigating/Requesting Officer(s)	Date of Offense
DUNARD I D	CHASE / MARCHA	10-23-07
Agency File Number	Telephone #	<input checked="" type="checkbox"/> New Case Additional Exhibits
7-27113	372-7663	Related Cases:
COURT INFORMATION	Person Lab Report Should Be Sent To	Is Subject In Custody?
Court Number:	BARRER, LAMAR	Yes; Date of Arrest
Court Date:	BLOOD ALCOHOL ONLY	<input checked="" type="checkbox"/> No
Exam needed for juvenile court? Yes <input checked="" type="checkbox"/> No	Date and time of blood draw	Time of Arrest
	Sterilizing agent used	Blood draw location (hospital)
	Witnessing officer	CDL
	Person drawing blood	Breath results #1 time
		results #2 time
Details of Investigation (relevant portions of crime report may be attached) (for 11550 or 23152 cases-list suspected drugs only)		
CARRERA WAS OBSERVED BY SGT ANDREW SILVERA, BLACKBURN IN A VEHICLE, CARRERA FELL FROM IT & RAN AWAY. CARRERA WAS SEEN TO THROW AN UNKNOWN ITEM AT THE POLICE OFFICERS. CARRERA WAS SEEN TO RUN AWAY FROM THE POLICE OFFICERS. CARRERA WAS SEEN TO RUN AWAY FROM THE POLICE OFFICERS. CARRERA WAS SEEN TO RUN AWAY FROM THE POLICE OFFICERS.		

ROLE SPECIFIC EXAMINATIONS REQUESTED

Content	Firearms/Toolmarks Comparison	Body Fluid Identification
Biological Analysis	Operating Condition of Firearm	<input checked="" type="checkbox"/> DNA Testing
Print/Tire Track	NIBIN	CODIS
Evidence Examination Other		Controlled Substances
Fingerprint processing requested? Yes <input checked="" type="checkbox"/> No	If yes and for vso, fill out BI service request	
Photographs been submitted? Yes <input checked="" type="checkbox"/> No	If yes and for vso, fill out Photo Lab request	

Controlled Substances
DA Approval (Signature Required)
<input type="checkbox"/> Case filed
<input type="checkbox"/> Case not filed pending lab
<input type="checkbox"/> Statute of limitations runs on
<input type="checkbox"/> Prop 36 case yes no

LAB Item #	AGENCY Item #	DESCRIPTION AND SPECIFIC EXAM REQUESTED	Presumptive Field Test (Drugs Only)
3		6" FIXED FOLD KNIFE W/ RAZOR TIP MATCH ITEM	
8		#54 AND #56 TO KNIFE	
24		PITTSBURGH MULTI-AIEN W/ RAZOR TIP KNIFE	
26		FOR DNA + BLOOD, FROM UNIFORM	
46		FOLDING KNIFE W/ BLOOD, OBTAIN DNA	
		COMPARE + COMPARE TO ITEM #46	
		5 SEWING FROM PMX "RTKE" SEWING FROM FRONT + TOP	
		COMPARE + COMPARE TO ITEM #46	
		DNA SAMPLE TO BE USED FOR COMPARISON, FTA CARD	

Signature of officer booking the evidence
(for vso main property room locker or across the counter)

Date: 10/12/07 Time: 0930

FOR INTERNAL USE ONLY

LABORATORY NUMBER
CASE ASSIGNED TO
DATE

OXNARD
07-25163

DESCRIPTION AND SPECIFIC EXAM REQUESTED

Presumptive Field Test
(Drugs Only)

00550

REQUEST FOR ANALYSIS

Offender/Suspect (Last, First) DOB BAUTISTA, THOMAS 5/8/85	Victim/Reporting Person (Last, First) SALINAS, ANDREW (SGT)	Offense 664/10551 P.C.
Investigating Agency OXNARD PD	Investigating/Requesting Officer(s) DET JOE CHASE 2493	Date of Offense 4/7/07
Agency File Number 27-25163	Telephone # 3857663	New Case Additional Exhibits
Court Information Court Number N/A	Person Lab Report Should Be Sent To DET JOE CHASE 2493	Related Cases:
Court Date:	BLOOD ALCOHOL ONLY	Is Subject In Custody? Yes: Date of Arrest (No)
Exam needed for juvenile court? Yes No	Date and time of blood draw	Time of Arrest
	Sterilizing agent used	Blood draw location (hospital)
	Witnessing officer	CDL
	Person drawing blood	Breath results #1 time
		results #2 time
Details of Investigation (relevant portions of crime report may be attached) (for 11550 or 23152 cases-list suspected drugs only) SUSPECT IS ATTEMPTING TO STEAL VEHICLE AND OBSERVED BY OFFICER. SUSPECT FLEES FROM AREA AND IS CHASED BY OFFICER. SUSPECT SWINGS WIFE AT OFFICER AND OFFICER FIRES WEAPON AT SUSPECT KILLING SUSPECT		

ROLE SPECIFIC EXAMINATIONS REQUESTED

Content	Firearms/Toolmarks Comparison	Body Fluid Identification
Biological Analysis	Operating Condition of Firearm	DNA Testing
Print/Tire Track	NIBIN	CODIS
Evidence Examination	Other	Controlled Substances
Fingerprint processing requested? Yes (No)	If yes and for vso, fill out Bi service request	
Photographs been submitted? Yes (No)	If yes and for vso, fill out Photo Lab request	

Controlled Substances	
DA Approval (Signature Required)	
<input type="checkbox"/>	Case filed
<input type="checkbox"/>	Case not filed pending lab
<input type="checkbox"/>	Statute of limitations runs on
<input type="checkbox"/>	Prop 36 case yes no

LAB	AGENCY	DESCRIPTION AND SPECIFIC EXAM REQUESTED
Item #	Item #	Exhibits (List items individually, use an Additional Exhibits form if required)

LAB	AGENCY	DESCRIPTION AND SPECIFIC EXAM REQUESTED	Presumptive Field Test (Drugs Only)
Item #	Item #	Exhibits (List items individually, use an Additional Exhibits form if required)	
18		ONE "FLYING CRKS" UNIFORM SHIRT WORN BY SGT. SALINAS	
19		ONE PAIR OF "ELBEG" UNIFORM PANTS WORN BY SGT. SALINAS	
		EXAM - EXAM FIBERS ITEMS 18+19 TO FIBER FOUND ON ITEM 8 THAT WAS PREVIOUSLY SUBMITTED	

Signature of officer booking the evidence Y for vso main property room locker or across the counter	FOR INTERNAL USE ONLY
Signature Date 12/2/07 Time 1545	LABORATORY NUMBER CASE ASSIGNED TO DATE

REQUEST FOR ANALYSIS

Suspect (Last, First) PARRERA, THOMAS 5/2/85 Investigating Agency OXNARD P.D. Agency File Number 27-25163	Victim/Reporting Person (Last, First) SALINAS, ANDREW (SLT) Investigating/Requesting Officer(s) DET. JOE CHASE 2493 Telephone # 385 7663	Offense Date of Offense New Case <input checked="" type="checkbox"/> Additional Exhibits Related Cases:
COURT INFORMATION Court Number: N/A Court Date: Exam needed for juvenile court? Yes No	Person Lab Report Should Be Sent To DET. JOE CHASE 2493 BLOOD ALCOHOL ONLY Date and time of blood draw Sterilizing agent used Witnessing officer Person drawing blood	Is Subject In Custody? Yes; Date of Arrest <input checked="" type="checkbox"/> No Time of Arrest Blood draw location (hospital) CDL Breath results #1 time results #2 time
Details of Investigation (relevant portions of crime report may be attached) (for 11550 or 23152 cases-list suspected drugs only) SUSPECT IS ATTEMPTING TO STEAL A VEHICLE AND IS DETAINED BY OFFICER. SUSPECT FLEES FROM AREA AND IS CHASED BY OFFICER. SUSPECT DROPS KNIFE AT OFFICER AND OFFICER FIRES WEAPON AT SUSPECT, KILLING SUSPECT.		

PROFILE SPECIFIC EXAMINATIONS REQUESTED

Content	Firearms/Toolmarks Comparison	Body Fluid Identification
Ecological Analysis	Operating Condition of Firearm	DNA Testing
Print/Tire Track	NIBIN	CODIS
Evidence Examination, Other		Controlled Substances
Fingerprint processing requested?	Yes <input checked="" type="checkbox"/> No	If yes and for vso, fill out BI service request
Photographs been submitted?	Yes <input checked="" type="checkbox"/> No	If yes and for vso, fill out Photo Lab request

Controlled Substances
DA Approval (Signature Required)
<input type="checkbox"/> Case filed
<input type="checkbox"/> Case not filed pending lab
<input type="checkbox"/> Statute of limitations runs on
<input type="checkbox"/> Prop 36 case yes no

LAB Item #	AGENCY Item #	DESCRIPTION AND SPECIFIC EXAM REQUESTED
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LAB Item #	AGENCY Item #	DESCRIPTION AND SPECIFIC EXAM REQUESTED	Presumptive Field Test (Drugs Only)
	29	1 PAIR "ANGEL BLUE" JEANS WORN BY SUSPECT	
		EXAM REQUESTED:	
		COMPARE FIBERS FROM PREVIOUSLY SUBMITTED ITEM TO FIBERS FOUND IN POCKETS AND UNIFORMS BELONGING TO SUSPECT - (ITEM 8)	

Signature of officer booking the evidence
 (Y for vso main property room locker or across the counter)

Signature **[Signature]** **2493**
 Date **12-11-08** Time **12:10**

FOR INTERNAL USE ONLY

LABORATORY NUMBER
 CASE ASSIGNED TO
 DATE

REQUEST FOR ANALYSIS

d/Suspect (Last, First) DOB ARRETA, THOMAS 5/8/85	Victim/Reporting Person (Last, First) SALINAS ANDREW (SGT)	Offense
Investigating Agency JANATO P.D.	Investigating/Requesting Officer(s) DET JOE CHASE 2493 Telephone # 3857663	Date of Offense New Case <input checked="" type="checkbox"/> Additional Exhibits
Agency File Number 17-25163	Person Lab Report Should Be Sent To DET JOE CHASE 2493	Related Cases:
Court Number N/A	BLOOD ALCOHOL ONLY	Is Subject In Custody? Yes; Date of Arrest <input checked="" type="checkbox"/> No
Court Date:	Date and time of blood draw	Time of Arrest
Exam needed for juvenile court? Yes No	Sterilizing agent used	Blood draw location (hospital)
	Witnessing officer	CDL
	Person drawing blood	Breath results #1 time
		results #2 time
Details of Investigation (relevant portions of crime report may be attached) (for 11550 or 23152 cases-list suspected drugs only) SUSPECT IS ATTEMPTING TO STEAL A UHILL AND IS OBSERVED BY OFFICER. SUSPECT FLEES FROM AREA AND IS CHASED BY OFFICER. SUSPECT SWINGS KNIFE AT OFFICER AND OFFICER FIRES WEAPON AT SUSPECT, KILLING SUSPECT.		

SPECIAL SPECIFIC EXAMINATIONS REQUESTED

Content	Firearms/Toolmarks Comparison	Body Fluid Identification
Biological Analysis	Operating Condition of Firearm	DNA Testing
Print/Tire Track	NIBIN	CODIS
Evidence Examination/Other		Controlled Substances
Fingerprint processing requested? Yes No	If yes and for vso, fill out BI service request	
Photographs been submitted? Yes No	If yes and for vso, fill out Photo Lab request	

Controlled Substances
DA Approval (Signature Required)
<input type="checkbox"/> Case filed
<input type="checkbox"/> Case not filed pending lab
<input type="checkbox"/> Statute of limitations runs on
<input type="checkbox"/> Prop 36 case yes no

LAB AGENCY DESCRIPTION AND SPECIFIC EXAM REQUESTED

LAB	AGENCY	Exhibits (List items individually, use an Additional Exhibits form if required)	Presumptive Field Test (Drugs Only)
34		BLUE 'BIC LIGHTER', MULTI-TOOL ALLEN WRENCH, COLLECTED FROM RIGHT FRONT POCKET OF SUSPECT'S PANTS	
36		1 BLACK BLOOD STAINED T-SHIRT, COLLECTED FROM SUSPECT'S BODY AT AUTOPSY	

Signature of officer booking the evidence
(Y for vso main property room locker or across the counter)

Signature *[Signature]*
Date 7/2/09 Time 1024

FOR INTERNAL USE ONLY

LABORATORY NUMBER
CASE ASSIGNED TO
DATE

REQUEST FOR ANALYSIS (CONTINUATION FORM)

Agency
Agency Number

CIXNARD PD
07-2516.3

LAB	AGENCY
Item #	Item #

DESCRIPTION AND SPECIFIC EXAM REQUESTED

Exhibits (List items individually, use an Additional Exhibits form if required)

internal use	Exhibits (List items individually, use an Additional Exhibits form if required)		Presumptive Field Test (Drugs Only)
	37	1 WHITE BLOOD STAINED "SOUTH POLE" T-SHIRT, COLLECTED FROM SUSPECT'S BODY AT AUTOPSY	
	38	1 WHITE "NAUTICA" BLOOD STAINED TANK TOP, COLLECTED FROM SUSPECT'S BODY AT AUTOPSY	
	39	1 BROWN PAPER BAG FROM SUSPECT'S RIGHT HAND, COLLECTED FROM SUSPECT'S BODY AT AUTOPSY	
	40	1 BROWN PAPER BAG FROM SUSPECT'S LEFT HAND, COLLECTED FROM SUSPECT'S BODY AT AUTOPSY	
		EXAM REQUESTED: EXAMINE FOR FIBERS AND COMPARE FIBERS TO PREVIOUSLY SUBMITTED ITEMS ADDITIONAL ITEMS REQUESTED BY CRIME LAB PERSONNEL	

HASE 1.9.01 7025 - VALUE -

SO 409 Distribution: white-sheriff's property yellow-laboratory pink-submitting agency

00554

Exhibit

“6”

DANIEL C. MORGAN & ASSOCIATES
ATTORNEYS AT LAW
OFFICE: (805) 815-4610
E-FAK: (805) 800-1880
1591 SPINNAKER DRIVE
SUITE 205
VENTURA, CALIFORNIA 93001
E-MAIL:
DANIELMORGANLAW@AOL.COM

November 12, 2007

OXNARD POLICE DEPARTMENT
251 S. "C" Street
Oxnard, CA 93030

Re: Barrera, Este of Tomas Barrera, et al v. City of Oxnard, Andrew Salinas

Dear Custodian of Records:

Please be advised that this office has been retained to represent Tomas Barrera, the father of Tomas Barrera Jr. who was shot and killed by Officer Andrew Salinas on October 4, 2007, at 5th and G Streets in Oxnard, California.

We hereby formally request that you preserve the following evidence in their original condition:

1. All audio recordings of telephone communications regarding the subject incident;
2. All documents pertaining to the CAD system regarding the subject incident;
3. All physical evidence, including bullets removed from the victim, shell casings, the gun used in the subject incident, and any other physical evidence gathered at the scene;
4. All car to car recordings regarding the subject incident;
5. All reel to reel recordings regarding the subject incident;
6. All photographs taken at the scene of the shooting; and
7. All recorded statements taken by any witnesses.

OXNARD POLICE DEPT
2007 NOV 15 P 8:02

Please be advised that failure to preserve the items identified above in their immediate post-accident condition may result in liability for willful destruction of evidence. Your failure to preserve this evidence, without modifying, altering, or destroying the evidence, may subject you to substantial civil monetary damages. Be advised that we intend to seek remedies against you if you allow crucial evidence in this case to be modified, altered or destroyed.

Post-It Fax Note	7671	Date	11-19-07	# of pages	1
To	Jim Eichen	From	Ben Chavez		
Cn/Dcpt.		Co.			
Phone #	278-0289	Phone #	305-2762		
Fax #		Fax #			

00476

Mr. Daniel Morgan

Re: Barrera, Este of Tomas Barrera, et al v. City of Oxnard, Andrew Salinas

November 12, 2007

Page 2

Please advise us immediately of the status of the evidence and your office's intentions with respect to its preservation. If your office will not agree to preserve the evidence, we are hereby offering to transport it to our secured storage facility and pay related storage costs so that the evidence is preserved.

At this time, we request an opportunity to conduct an inspection for the purpose of photographing, copying, recording, and/or videotaping all of the aforementioned items of evidence. Please contact the undersigned upon receipt of this letter to discuss disposition of the evidence.

We ask that you direct any future communications and/or correspondence to the undersigned. Please do not contact our client personally.

Thank you for your anticipated courtesy and cooperation in this matter. If you have any questions, please feel free to contact me.

Very truly yours,



Daniel Morgan, Esq.

DANIEL C. MORGAN & ASSOCIATES

Attorneys at Law

Exhibit

“7”

ALAN E. WISOTSKY
BRIAN P. KEIGHURON
JEFFREY HELD
JAMES S. EICHER, JR.
DIRK DeGENNA

LAW OFFICES OF
ALAN E. WISOTSKY
FINANCIAL PLAZA TOWER
300 ESPLANADE DRIVE, SUITE 1500
OXNARD, CALIFORNIA 93036

TELEPHONE (805) 278-0920
FACSIMILE (805) 278-0289
E-MAIL lawyer@wisotksylaw.com
www.wisotksylaw.com

November 20, 2007

Daniel C. Morgan
Daniel C. Morgan & Associates
1591 Spinnaker Drive, Suite 205
Ventura, CA 93001

Re: Barrera v. City of Oxnard, et al.

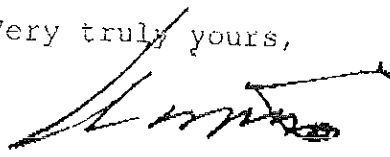
Dear Mr. Morgan:

This is in response to your letter of November 12, 2007, to the custodian of records at the Oxnard Police Department regarding the above referenced matter. This office represents the City of Oxnard, and, in particular, the Oxnard Police Department and Andrew Salinas with respect to this matter.

Your request for preservation of evidence is noted. Your request to conduct an inspection for the purpose of photocopying, copying, etc., of the evidence gathered thus far in the case is denied. The incident is still under investigation by the Oxnard Police Department and the Ventura County District Attorney's Office.

We shall comply with your request to communicate only with your office and expect the same professional and ethical commitment from you as it relates to the City of Oxnard, Oxnard Police Department, and Andrew Salinas.

Very truly yours,



ALAN E. WISOTSKY

AEW:jm

cc: Sgt. Ben Chavez, OXPD

FILE COPY

00478

Exhibit

“8”

law offices of kim d. scovis

A Professional Corporation

Kim D. Scovis
Jenny Scovis

Arthur L. Scovis (1942-2004)

223 E. Thousand Oaks Blvd Suite 412
Thousand Oaks CA 91360
(805) 496-6413
Fax (805) 379-3966

January 14, 2008

Gregory B. Bragg & Associates, Inc.
Attn: Peter Yee
P.O. Box 3544
Ventura, CA 93006-3544

Re: *Maria Lazos*

Dear Mr. Yee:

Pursuant to your request for documentation with regard to the above claimant, I have enclosed two pieces of correspondence requesting the same.

In the interim should you have any further questions, please do not hesitate to call. Thank you for the courtesy of your cooperation in this matter.

Sincerely,



Lauren Hochman
Legal Secretary

enc

law offices of kim

A Professional Corporation

Kim D. Scovis

Jenny Scovis

Arthur L. Scovis (1942-2004)

January 7, 2008

VIA U.S. CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gregory D. Totten
 VENTURA COUNTY DISTRICT ATTORNEY
 800 South Victoria Avenue
 Ventura, CA 93009

Re: *Maria Lazos*

Dear Mr. Totten:

Our offices represent Maria Lazos in her claims against certain public agencies and/or other entities and individuals in connection with the death of her son, Thomas Barrera, on October 3, 2007. On that date, Mr. Barrera was shot several times and killed by Sergeant Andrew Salinas of the Oxnard Police Department. It is our understanding that Sgt. Salinas was acting under color of law at the time of the incident and circumstances leading up to Mr. Barrera's death.

As you may or may not be aware, this firm filed a Claim Against Public Entity on behalf of Ms. Lazos, which identifies as Respondents those individuals and agencies involved in Mr. Barrera's death, including, but not limited to, the City of Oxnard, the Oxnard Police Department, Sgt. Salinas, and John Crombach, the acting Police Chief. The claim alleges violations of certain federal and state civil rights and seeks damages under California tort law for the respondents' individual and/or collective acts and/or failures to act.

One of our objectives is to obtain a determination of the facts and circumstances surrounding Mr. Barrera's death. In meeting that goal, we have retained and intend to engage forensic and other appropriate experts and consultants we believe are necessary to conduct a thorough investigation.

It is our understanding that your office has assigned certain of its deputy district attorneys in this matter. The primary purpose of this correspondence is to request that any and all writings¹ that relate to the investigation of this incident, as well as any and all pertinent events prior to and

1

As defined in California Evidence Code Section 250, the term "writing" means handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

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Certified Fee	2.65	
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Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 5.21	

Sent To: GREGORY TOTTEN VC D.A.
 Street, Apt. No. or PO Box No.: 800 S. VICTORIA AVE
 City, State, ZIP+4: VENTURA CA 93009
 PS Form 3800, August 2006 See Reverse for Instructions

7217 3588
 0003 7217 3588
 0003 7217 3588

Gregory D. Totten
January 7, 2008
Page Two

subsequent the shooting, including all evidence, documentary or otherwise, which has been obtained and/or is within your possession, custody and/or control, be made available for review and/or inspection by our experts and consultants as soon as possible.

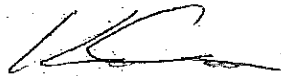
It is foreseeable that our experts will want to personally examine any and all evidence items. With that in mind, we would respectfully request that no destructive testing be performed on any evidence, to the extent allowable, that would destroy any evidence or otherwise render it unusable for further forensic examination. If you or your agency cannot honor this request, it is requested that we be given sufficient advance notification of any and all testing of evidence that may be destructive and/or otherwise exhaust further examination. "Sufficient advance notification" would permit the opportunity to seek judicial intervention in the event a court order or other injunction becomes necessary.

Finally, we are requesting that a copy of the autopsy report of Thomas Barrera, together with any associated documentation prepared in connection with this incident, be provided to us as soon as possible. Your assistance in expediting that report to our offices is greatly appreciated. To that end, the report may be sent via facsimile to 805/379-3966.

If you have any questions or need further information, please do not hesitate to give me a call. I look forward to a prompt communication from your office in response to the foregoing.

Thank you for the courtesy of your cooperation in this matter.

Sincerely,



KIM D. SCOVIS

KDS/lrm

cc: Maria Lazos

Certified Mail No. 7007 0710 0003 7217 3588

law offices of kin

A Professional Corporation

Kim D. Scovis
Jenny Scovis

Arthur L. Scovis (1942-2004)

January 7, 2008

VIA U.S. CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Crombach, Police Chief
OXNARD POLICE DEPARTMENT
251 South "C" Street
Oxnard, CA 93030

Re: *Maria Lazos*

Dear Chief Crombach:

Our offices represent Maria Lazos in her claims against certain public agencies and/or other entities and individuals in connection with the death of her son, Thomas Barrera, on October 3, 2007. On that date, Mr. Barrera was shot several times and killed by Sergeant Andrew Salinas of the Oxnard Police Department. It is our understanding that Sgt. Salinas was acting under color of law at the time of the incident and circumstances leading up to Mr. Barrera's death.

As you may be aware, this firm filed a Claim Against Public Entity on behalf of Ms. Lazos, which identifies as Respondents those individuals and agencies involved in Mr. Barrera's death, including, but not limited to, the City of Oxnard, the Oxnard Police Department, Sgt. Salinas, and yourself as acting Police Chief. The claim alleges violations of certain federal and state civil rights and seeks damages under California tort law for the respondents' individual and/or collective acts and/or failures to act.

One of our objectives is to obtain a determination of the facts and circumstances surrounding Mr. Barrera's death. In meeting that goal, we have retained and intend to engage forensic and other appropriate experts and consultants we believe are necessary to conduct a thorough investigation.

The primary purpose of this correspondence is to request that any and all writings¹ that relate to the investigation of this incident, as well as any and all pertinent events prior to and subsequent the shooting, including all evidence, documentary or otherwise, which has been obtained and/or

¹ As defined in *California Evidence Code Section 250*, the term "writing" means handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

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Return Receipt Fee (Endorsement Required)	2.15	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 52.1	

Sent To: John Crombach Oxnard PD
Street, Apt. No. or PO Box No. 251 So. "C" St
City, State, Zip+4 Oxnard CA 93030

PS Form 3800, August 2006

7217 3571 0000 0000 0000 0000 0000 0000

John Crombach
January 7, 2008
Page Two

is within your possession, custody and/or control, be made available for review and/or inspection by our experts and consultants as soon as possible.

It is foreseeable that our experts will want to personally examine any and all evidence items. Therefore, we are requesting that our experts be given immediate access to the vehicle (i.e., the pick-up truck) which we understand was involved when Sgt. Salinas allegedly first observed Mr. Barrera on the date the shooting occurred. It is also critical for our experts to have immediate access to the decedent's clothing at the time of this incident, any and all weapons allegedly discovered at the scene of the incident, any and all photographs or other depictions of the scene of the incident and/or of the decedent at any time, and/or any and all physical or other evidence purportedly related to this incident.

We would also respectfully request that no destructive testing be performed on any evidence, to the extent allowable, that would destroy any evidence or otherwise render it unusable for further forensic examination. If you or your agency cannot honor this request, it is requested that we be given sufficient advance notification of any and all testing of evidence that may be destructive and/or otherwise exhaust further examination. "Sufficient advance notification" would permit the opportunity to seek judicial intervention in the event a court order or other injunction becomes necessary.

Finally, we are requesting that a copy of the autopsy report of Thomas Barrera, together with any associated documentation prepared in connection with this incident, be provided to us as soon as possible. Your assistance in expediting that report to our offices is greatly appreciated. To that end, the report may be sent via facsimile to 805/379-3966.

If you have any questions or need further information, please do not hesitate to give me a call. I look forward to a prompt communication from your office in response to the foregoing.

Thank you for the courtesy of your cooperation in this matter.

Sincerely,



KIM D. SCOVIS

KDS/lrm

cc: Maria Lazos

Certified Mail No. 7007 0710 0003 7217 3571

1 **PROOF OF SERVICE**

2 I am employed in the county of Ventura, State of California. I am over the age of
3 eighteen and not a party to the within action, and my business address is: Law Offices of Kim
4 D. Scovis, 223 E. Thousand Oaks Blvd., Suite 412, Thousand Oaks, CA 91360.

5 On June 26, 2009, I served the following document(s):

6 **PLAINTIFFS MOTION IN LIMINE NO. 9 TO EXCLUDE ANY EVIDENCE**
7 **PERTAINING TO THE 6" FIXED BLADE KNIFE, PIECE OF METAL (POSS**
8 **KNIFE BLADE); METAL CHISEL; ALLEN WRENCH TOOL SET; THE**
9 **FOLDING KNIFE, THE SYRINGE FOUND IN DECEDENT'S POCKET AND**
10 **THE SWABS FROM THE BMX BIKE**

11 on the interested parties in this action by placing a true and correct copy thereof enclosed in
12 a sealed envelope addressed as follows:

13 Law Office of Alan E. Wistosky
14 Attention: Mr. Dirk DeGenna
300 Esplanade Drive, Suite 1500
Oxnard, CA 93036

Law Office of Gregory A. Yates, P.C.
Attn: Gregory Yates
16830 Ventura Blvd., #250
Encino, CA 91436

16 Daniel C. Morgan & Assoc.
1591 Spinnaker Doctor., #205
17 Ventura, CA 93001

18 X
19 I am readily familiar with the business' practice for collection and processing
20 of correspondence and mailing with the United States Postal Service; such
21 correspondence would be deposited with the United States Postal Service the
22 same day of deposit in the ordinary course of business. I know that the
23 envelope was sealed and, with postage thereon fully prepaid, placed for
24 collection and mailing on this date, following ordinary business practices, in
the United States mail at Thousand Oaks, California.

25 Fed Ex overnight service.

26 By Personal Service, I caused such envelope to be delivered by hand to the
27 above address(es).

28 By facsimile, I caused such document to be transmitted via facsimile

1 machine, to the above address(es)

2 _____ (State) I declare under penalty of perjury under the laws of the State of
3 California that the foregoing is true and correct.

4 X (Federal) I declare that I am employed in the office of a member of the bar
5 of this court at whose direction the service was made.

6 Executed on June 26, 2009, at Thousand Oaks, California

7
8 
9 Roschelle Ayonayon